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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 DAVID RUSSELL MYRLAND,)
09 Plaintiff,) CASE NO. C12-0126-JLR
10 v.)
11 UNITED STATES OF AMERICA, *et al.*,) REPORT AND RECOMMENDATION
12 Defendants.)
13 _____)

14 *Pro se* plaintiff David Russell Myrland, a federal prisoner incarcerated in FCI
15 Sandstone, Minnesota, has filed a civil complaint that fails to describe what cause of action he
16 intends against which defendants and for what reasons. (Dkt. 4.) Pursuant to 28 U.S.C.
17 § 1915A(a), the Court is required to review as soon as practicable a complaint in a civil action
18 in which a prisoner, such as Mr. Myrland, seeks redress from a governmental entity or officer or
19 employee of a governmental entity. The Court recommends **DISMISSING** this action for
20 frivolousness and for failure to state a claim upon which relief may be granted. 28 U.S.C.
21 § 1915A(b)(1).

22 Mr. Myrland's complaint may be most charitably described as incomprehensible

statements linked together by irrelevant citations to federal statutes. For example, although defendants are the United States, perhaps the United States Attorney, and the “Sheriff’s Department” in Seattle, Mr. Myrland repeatedly asserts a *qui tam* False Claims Act action on behalf of the federal government based on defendants’ violation of an unspecified contract.

Thus, an illustrative paragraph is as follows:

FOR an ORIGINAL-CLAIMS of the FALSE-CLAIMS-ACT **ARE** with the KNOWLEDGE of the LIABILITY-DAMAGE-CLAIM with the FRAUDULENT-MON[E]TARY-GAINS of the FRAUDULENT-CONTRACT-PAYMENT with the FRAUDULENT-GOVERNMENT-GUISE with the FALSE-EQUITY-TRANSFER-CLAIM of the PAYMENT-OUT OR: FINANCIAL-GAIN-IN OR with the PERFORMANCE-KNOWLEDGE, OR: PERFOR[M]ANCE-CLAIM by the FRA[U]DULENT-SYNTAX-GRAMMAR-DOCUMENTS OR: FRAUDULENT-SYNTAX-GRAMMAR-STATEMENT by the CLAIMING-PERSON OR: with the CONTRACTING-PERSONS-CONSPIRING by the ‘FALSE-CLAIMS-ACT’ OR with the FRAUDULENT-CERTIFYING of the TYPE, KIND, OR: AMOUNT with the EQUITY [PROPERTY] of the CONTRACT with the CERTIFYING-PARSE-SYNTAX-GRAMMAR-CONTRACT-FRAUD-KNOWLEDGE by the POSTAL-AUTHORITY-GOVERNMENT.

(Dkt. 4, at 6.) Similarly, Mr. Myrland alleges a violation of the Clayton Antitrust Act but does not specify who did what improper conduct and why he has standing to pursue such a claim.

(*Id.* at 1.) In sum, Mr. Myrland not only fails to provide a Federal Rule of Civil Procedure Rule 8 short-and-plain statement of a non-frivolous claim, he presents pages of run-on sentences and typographical anomalies that are detached from factual circumstances and are excruciating to read.

The Court finds that it would be futile to provide Mr. Myrland with an opportunity to amend his complaint because if this complaint became comprehensible it would be an entirely different cause of action. *See Lucas v. Dep’t of Corrections*, 66 F.3d 245, 248 (9th Cir. 1995)

01 (“Unless it is absolutely clear that no amendment can cure the defect . . . a pro se litigant is
02 entitled to notice of the complaint’s deficiencies and an opportunity to amend prior to dismissal
03 of the action.”). This matter should be dismissed without prejudice. A proposed order is
04 attached.

05 DATED this 6th day of March, 2012.

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07 
08 Mary Alice Theiler
United States Magistrate Judge